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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,330	01/08/2001	Yueh-O Yu	JCLA6008	6728
7590	05/10/2004		EXAMINER	
J. C. Patents, Inc. 4 VENTURE SUITE 250 Irvine, CA 92618			VU, TUAN A	
			ART UNIT	PAPER NUMBER
			2124	
DATE MAILED: 05/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/756,330	01/08/2001	Yueh-O Yu	JCLA6008	6728
7590	03/12/2004		EXAMINER	
J. C. Patents, Inc. Suite 114 1340 Reynolds Ave. Irvine, CA 92614			VU, TUAN A	
			ART UNIT	PAPER NUMBER
			2124	
			DATE MAILED: 03/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/756,330	YU, YUEH-O	
Examiner	Art Unit		
Tuan A Vu	2124		

-- Th **MAILING DATE** of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 January 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1--29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

1. This action is responsive to the application filed January 8, 2001.

Claims 1-29 have been submitted for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claims 1, 5, and 27 are objected to because of the following informalities: there are extraneous punctuation like consecutive ";" or ":" (e.g. claims 1, 5 - line 4; claim 27 - line 3). Appropriate correction is required.
4. Claim 12 is objected to because most acronyms recited in the claim are not spelled out at least once.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Note: 35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

6. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al., USPubN: 2003/0228912.

As per claim 1, Wells discloses a method for updating personalized products (e.g. *customized* - pg. 6, para 0043), comprising:
downloading a personalized program code from a storage device (e.g. *server 466* - Fig. 4);
receiving the personalized program code or data code by a transmission medium, and then transmitting the code to a programmable personalized product (e.g. *local server 114* – Fig. 3; *Terminal 488* – Fig. 4); and

programming the personalized program code or data code received from said transmission medium into said programmable personalized product for updating the function or data therein (e.g. Figs. 1 – 5; pg. 6, para 0043-0046).

As per claim 2, Wells discloses a storage device being a hard disk, a CD-ROM (Fig. 4).

As per claim 3, Wells discloses personalized program code or data code being provided by a manufacturer (Fig. 4-5; *game manufacturers* - pg. 6, para 0043).

As per claim 4, Wells discloses that the personalized program code being developed and provided by a user (e.g. pg. 6, para 0043; *customer order 472* – Fig. 4; *information file* - Fig. 5; *laptop 128, game controller board* – Fig. 1A; pg. 3, para 0025, 0028 – Note: programming information enabling user to program and control the security of the download and activation of the downloaded reads on code being developed and provided by a user).

As per claim 5, Wells discloses a transmission medium being a personal computer and a hand-held device (e.g. Fig. 4; pg. 2, para 0017).

As per claim 6, Wells discloses transmission through an interface being a serial port interface (e.g. Fig. 4; *port* – pg. 3, para 0030 – Note: communications port from computer to gaming device implicitly discloses a serial/parallel port or USB port).

As per claim 7, Wells discloses a method for updating personalized products, comprising:

downloading a personalized program code from a web site (e.g. *network* – pg. 3, para 0030; *server 466* - Fig. 4 – Note: network central server computer and workstation for distribution of game products implicitly discloses communication between computers and web sites)

receiving the personal program code or data code by a transmission medium, and then transmitting the code to a programmable personalized product (e.g. *local server 114* – Fig. 3; *Terminal 488* – Fig. 4); and

programming the personalized code or data code received from said transmission medium into said programmable personalized product for updating the function or data therein (e.g. Figs. 1 – 5; pg. 6, para 0043-0046).

As per claim 8, Wells discloses communication between the server and a transmission medium via a network of wireless or wired transmission system (e.g. *lan line* - pg. 3, para 0030; pg. 7, para 0051).

As per claim 9, Wells discloses a transmission system utilizing one modem (e.g. pg. 3, para 0030; *link 324* – Fig. 3).

As per claim 10, refer to rejection of claim 5.

As per claim 11, Wells discloses a wireless link (e.g. pg. 3, para 0030).

As per claim 12, Wells does not explicitly disclose a wireless transmission system consisting of GSM, CDMA, GPRS; but discloses a wireless link and a handheld device (pg. 2, para 0017; pg. 3, para 0030), hence has implicitly discloses a wireless protocol and standard associated with the use of handheld device.

As per claim 13, Wells discloses transmission of personalized program code or data code to the programmable personalized product through a serial port or a USB port (Fig. 4; *port* – pg. 3, para 0030 – Note: communications port from computer to gaming device implicitly discloses a serial/parallel port or USB port).

As per claims 14-15, see claims 3-4 respectively.

As per claim 16, Wells discloses a device for updating personalized products, comprising:

an input/output end (e.g. Fig. 1A – Note: input to the local controller or laptop, output from the game controller board into features of the game, like video, audio output);

a programmable memory (e.g. *EEPROM* - pg. 3, para 0025), which is programmed with a personalized program code or data code through the input/output end; and

a personalized function circuit (e.g. *gaming terminal* - Fig. 1A) which updates functions and information according to the personalized program code or the data code stored in said programmable memory.

As per claim 17, Wells discloses a transmission medium to receive and transmit the personalized program code or data code (e.g. *local server 114* – Fig. 3; *Terminal 488* – Fig. 4).

As per claims 18-19, see claims 3-4, respectively.

As per claims 20 and 21, Wells discloses a control circuit for producing control functions (e.g. *laptop 128, game controller board* – Fig. 1A); and that the control circuit generates voltage and control signal during programming the programmable memory (e.g. pg. 7, para 0053; pg. 3, para 0025; Fig. 2 – Note: checking communications correctness and using of laptop to control the download security checking/memory programming is equivalent to providing voltage and control signal during programming of gaming device).

As per claim 22, Wells discloses circuit for decoding a personalized program (e.g. Fig. 1B; Fig. 3 – Note: processor in gaming terminal with embedded processor is equivalent to having circuitry to decode instructions of downloaded personalized program)

As per claim 23, Wells discloses control circuit for transmission of personalized data code in the programmable memory (e.g. pg. 3, para 0028; Fig. 1a, 4).

As per claims 24-25, see Wells (Fig. 4, Fig. 1B; Fig. 3)

As per claim 26, Wells discloses personalized product being a gaming terminal.

As per claim 27, see Wells (*EEPROM* - pg. 3, para 0025).

As per claim 28-29, Wells discloses a program code and a data code within the programmable memory (e.g. pg. 6, *software information, installed programs* – pg. 0043; *data which defines* – para 0046 – Note: installed data or programs reads on program and data being part of the programmable EEPROM of terminals).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat No. 6,012,961 to Sharpe, III et al., disclosing control for downloaded program to configure and execute toy.

U.S. Pub No. 2001/0032278 to Bereiter et al., disclosing downloading a desired task into a toy via browser application.

U.S. Pub No. 2001/001195 to Shintani et al., disclosing handheld device to transmit configuration and reprogramming data to an appliance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT
March 3, 2004



Todd Ingberg
Primary Examiner
Group 2100